



Board of Adjustment for Zoning Appeals
 City and County of Denver
 201 West Colfax Avenue, Department 201
 Denver CO, 80202 Phone: 720-913-3050

ZONING APPEAL APPLICATION - Case No: 27-2021
160 Elm Street

NOTIFICATION OF PUBLIC HEARING:

Hearing Date: 06/08/2021

Hearing Time: 9:00 AM

Hearing Location: IN AN EFFORT TO ENCOURAGE SOCIAL DISTANCING, HEARINGS WILL BE HELD VIRTUALLY THROUGH ZOOM WHICH MAY BE ACCESSED THROUGH BOA'S WEBSITE. MEMBERS OF THE PUBLIC UNABLE TO JOIN ONILNE MAY COME TO WEBB BUILDING AT 201 WEST COLFAX AVENUE, DENVER, ROOM 2.H.14, TO COMMENT VIA COMPUTER IN PERSON

Pick Up Sign Week of: 05/24/2021

Post Sign Saturday: 05/29/2021

APPEAL INFORMATION:

Date Filed: 03/25/2021

Date of Order: 02/08/2021

Premises: 160 Elm Street

Legal Description: The South 25 Feet of Plot 1 and the North 42.5 Feet of Plot 2, Block 43, The Eastern Capitol Hill Subdivision

APPLICANT(S):	Address	Email	Primary Phone	2ndPhone
Deena A Jones Trust	160 Elm St., Denver, CO, 80220	jonasdeena@gmail.com	(303) 815-5935	

FILED BY:

FEES:	Receipt #	Receipt Date	Category	Amount
	7747588	3/25/2021	2.a.	\$150.00
	7747588	3/25/2021	PERP	\$50.00

REGISTERED NEIGHBORHOOD ORGANIZATION NO'S: 40, 9900, 195, 87

CITY COUNCIL PERSON: District 5 – Amanda Sawyer

SUBJECT:

Appeal of an order to discontinue maintaining a 12 foot high wooden fence located behind the Primary Street facing Primary Structure façade (6 foot fence permitted), built without permits, in an E-SU-DX zone

ORDINANCE SECTION(S): 1.1.3.2.A; 12.4.1.2.A; 10.5.5.2.A.3.a,

POSSIBLE REMEDIES: Variance; Time (6 Months)

APPLICANT STATEMENT:

See Attached Statement

Signed: Deena A Jones Trust, Owner

To the Board of Appeals.

March 15, 2021

I am appealing this order to Cease and Desist regarding a privacy screen I built last spring in my backyard at 160 Elm St Denver Co.

The privacy screen was built during Covid so that I, a senior woman living alone, could enjoy some privacy in my back yard and on my deck while we were all under strict restrictions regarding the use of public outdoor spaces and other venues.

I have lived here many years and am the only original house, neither topped nor scraped as are the all the homes that surround me. My backyard has utility lines running above the fence line and also lines running perpendicular that attach to my home.

My yard slopes down in the back, such that the top of the fence provides no privacy while using the deck (ever), or using my kitchen or family room without shutting all the blinds. During the most trying times of Covid there was nothing more important to me than being able to enjoy my personal residence and outdoor space.

Behind me lives a woman with 3 young children who has a zip line tied to a telephone pole, that sways and shakes the power lines when the kids are playing on it. She also has a tree house and other structures that go above the fence line and one of the side it is built up with lattice presenting taller than the allotted 8 ft. I have never complained about her disruptions to my life or what an eyesore some of her non-compliant structures are. We don't know one another and have never had a conversation in person that I can recall.

To solve the privacy issue I could not plant trees because they would interfere with the power lines above. After a lot of brainstorming my handyman and I designed an attractive privacy screen (pic attached) located 3 feet inside my property and not attached to the fence I share with my neighbors. It is made of tasteful modern wooden slats with river rock underneath. I have an unattached garage which is even closer to the fence line than the structure we built, so I had no indication that I was building something that would require special permission. I would not have spent retirement savings to build this, if I thought I was doing something wrong.

I don't remember exact dates, but one day a city inspector came by and asked to look in my yard because a neighbor registered a complaint. I took him back there, and he told me "she should thank you for providing such nice privacy." He then said he would close the case because he saw "no issue."

Months went by and I enjoyed my property until one day I came home and found a different inspector's card on my door. He asked me to call him, which I did and then this entire mishap began.

The department was not able to tell me exactly what my violation was for awhile, and researching it myself proved very frustrating. Finally in mid November I was told I was in violation and would need to apply for a variance. I told them that I was leaving to spend the winter in California and would do anything and everything necessary after I returned in April. I was told that was ok, and I would be kept apprised of the situation.

Another notice of violation was posted on my front door, dated March 1, 2021, which I learned about from my son days later. I was completely surprised because I understood that I didn't have to do anything until April. I paid the fine immediately the night I learned about it and phoned Mr West the next morning.

There has been a lot of confusion with correspondence between CPD and myself. I have always reiterated my desire to come into compliance and work diligently to solve this issue to everyone's satisfaction.

I am still in Ca and will have to handle this from here. I hope we can do this by zoom or some other online platform.

Thank you for your assistance

Deena Jonas

I have attached a list of exhibits including

Application for a Variance

Cease and Desist Order

Administrative Citation

Photos taken sometime last summer of my yard and my complaining neighbor's yard

One of several email exchanges with Inspector Darrell West of CPD.



REGISTERED NEIGHBORHOOD ORGANIZATION NOTIFICATION:

ORGANIZATION(S) NOTIFIED:

#	Name	Address	Zip Code	Phone 1 and 2	Email 1 st , 2 nd	Representative
40	Cranmer Park- Hilltop Civic Association	PO Box 201142	80220	720-273-0057	info@denverhilltop.com tomh@hartstudio.net	Wende Reoch
9900	Neighborhood Coalitions of Denver, Inc.	3570 E. 12th Ave., Suite 200	80206		neighborhoodcoalitionsofdenver@gmail.com	Bryan Wilson
195	Hilltop Heritage Association	70 S. Dahlia St.	80246	303-299-8450 303-333-6209	jbronesky@shermanhoward.com jacksonwhite@gmail.com	Joseph J. Bronesky
87	Inter-Neighborhood Cooperation (INC)	PO Box 80218-0684	80218	303-520-4945 303995-5961	execcomm@denverinc.org lorettakoehler@mac.com	Loretta Koehler

NOTICE TO ORGANIZATION:

The Neighborhood Organization registration ordinance at Section 12-96(b) D. R. M. C. requires that you be notified the attached application **Case No. 27-2021** has been filed with this agency on the issue cited.

The Board of Adjustment will hear this appeal in public hearing in its office at the time and date indicated (see application), and render a decision as set out in Section 59-54 of the Zoning Code. Your organization will receive a written copy of the decision.

NOTE: Section 12-97(a) of the above ordinance requires that testimony by a Registered Neighborhood Organization shall include, in addition to the organization's name, boundaries, and number of people/households and basis of membership: **"(4) The time and date of the meeting when the organization decided its position; (5) The nature of the meeting, whether the same was a meeting of the board, of a membership subcommittee, or of the general membership; (6) The number of persons present; (7) A description of the process for reaching the decision, including if and how neighborhood citizens were informed and if and how they were invited to participate; and (8) The votes cast for and against the proposed position."**

NOTICE TO APPLICANT:

As required by Section 12-96(a), D. R. M. C., you are hereby notified that your property is within the boundaries (or within 200 feet) of a Registered Neighborhood Organization and that the organization(s) listed above has (have) been notified of your appeal.

Copies: Organization(s)
 Applicant
 File